

45-02415

State of Idaho

License and Certificate of Water Right

Water License No. G-22761

Amount 4.72 c.f.s.

Water District No. _____

Priority May 6, 1952

THIS IS TO CERTIFY that LELAND J. GARNER
of Burley, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated May 6, 19 52; that Permit No. G-22761
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
4.72 second feet, was issued thereunder on June 8, 19 61, showing that said works
were completed on the 21st day of February, 1961; and that on the 21st
day of February, 19 61, LELAND J. GARNER

of Burley, State of Idaho, made proof to the satisfaction of the
State Reclamation Engineer of Idaho, of the right to use the waters of 2 wells
, a tributary of subterranean flow, for the purpose of irrigation
, under Use Permit No. G-22761 of the Department of Reclamation
and that said right to the use of said waters has been perfected in accordance with the laws of Idaho,
and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume
11 of Licenses at page 7093, on the 8th day of June, 19 61;
The right hereby confirmed dates from May 6, 19 52;
The Point of Diversion is located 2 points
in the SE 1/4 NE 1/4, Sec. 10, Tp. 11 S R. 21 E, B. M. Cassia County

That the amount of water to which such right is entitled and hereby confirmed, for the purposes
aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall
not exceed 4.72 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
11 S	21 E	10	NE 1/4 NE 1/4	40	35
			NW 1/4 NE 1/4	40	40
			SW 1/4 NE 1/4	40	39.4
			SE 1/4 NE 1/4	40	39.7
			NE 1/4 NW 1/4	40	39.4
			NW 1/4 NW 1/4	40	39.4
			SW 1/4 NW 1/4	40	20
			SE 1/4 NW 1/4	40	<u>40</u>
Total number of acres to be irrigated:					293

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place
of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this
8th day of June, 19 61.

/s/ GEO. M. CARTER
State Reclamation Engineer.

(SEAL)

45 2415

APPLICATION FOR PERMIT

To Appropriate the Subterranean Waters of The State of Idaho

45-2415

Application No. G- 30504
Permit No. G- 22761
District No.

Leland J. Garner
Permit #1
Rupert, Idaho
4/24/58

1. Name of Applicant: LELAND J. GARNER

Postoffice address: Route 1/2, Rupert

County: Minidoka

State: Idaho

2. Quantity of water claimed:

- (a) Rate of withdrawal in cubic feet per second. 6.4 or Idaho
Miners' inches 320 or gallons per minute. 2880, approximately
- (b) Annual withdrawal in acre feet per annum 1600

3. Source of water supply: Deep wells and pumps

4. Location of point of diversion or well is in the SE 1/4 NE 1/4 of the SW 1/4 NE 1/4 of Section 10
Twp. 11 S., Rge. 21 E., B.M., County of Cassia

5. Water is to be used for: Farming—irrigation

6. If for municipal, industrial or recreational purposes, give:

- (a) Point of use of water is in the 1/4 of the 1/4 of Section , Twp.
Rge. , B.M.
- (b) Waste water or sewage effluent is to be returned to
at a point in the 1/4 of the 1/4 of Section , Twp. , Rge. , B.M.

7. Kind of works: Wells, pumps and ditches, etc.

8. Estimated cost of works: \$ 20,000.00

9. (a) Is reservoir to be used?

(b) Capacity of reservoir:

10. The time required for the completion of such work and complete application of the water to the proposed use is Four (4) years.

11. If applicant is a corporation, give:

I. (a) Date and place of incorporation:

(b) Amount of capital stock: \$

(c) Amount paid in: \$

(d) Names and addresses of directors:

II. The financial resources of the applicant are (a) Cash on hand: \$

(b) Treasury stock:

(c) Bonds to be issued:

(d) Other resources:

12. The land to be irrigated is described in the following tabulation:

13. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are: None

(a) (cubic feet per second, inches or gallons per minute) of the water herein applied for is to be supplemental to the existing water rights.

(b) (cubic feet per second, inches or gallons per minute) is for new lands.

This filing is made in connection with a desert entry filed in the Bureau of Land Management. D. L. I. 02459 (amended)

Remarks:

BE IT KNOWN THAT The undersigned hereby makes appli cation for permit to appropriate the public waters of the State of Idaho as herein set forth.

LELAND J. GARNER Applicant.

By Agent.

Date of first receipt at Department of Reclamation: 9:00 A. M. May 6, 1952

Re'urned to applicant for correction:

Corrected application received:

Approval of State Reclamation Engineer

The number of this permit is G-22761

Recorded in Book 81 Page 22761 Approved May 6, 1952

This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions:

Bond in the sum of \$ to be filed on or before

Work to begin on or before July 6, 1952 and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which the permit holder has no control.

One-fifth of the work above specified to be completed on or before May 6, 1954

The whole of said work to be completed and beneficial use of water appropriated in accordance herewith, to be made on or before May 6, 1956

Witness my hand this 6th day of May, 1952

MARK R. KULP
State Reclamation Engineer.

IN TESTIMONY WHEREOF, We, LEN JORDAN, Governor of the State of Idaho, and IRA H. MASTERS, Secretary of State of the State of Idaho, have caused this instrument to be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this 6th day of May, 1952.

Countersigned:

STATE OF IDAHO

(SEAL)

By IRA H. MASTERS
Secretary of State.

By LEN JORDAN
Governor

12.

Twp.	Range	Sec.	NE¼				NW¼				SW¼				SE¼				Totals
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
11 S.	21 E.	10	40	40	40	40	40	40	40	40									320
APPROVAL OF STATE RECLAMATION ENGINEER																			
I, Mark R. Kulp, State Reclamation Engineer of the State of Idaho, hereby extend the time for the completion of construction work under Permit to Appropriate the Public Waters of the State of Idaho, No. G-22761 to May 6, 1958.																			
Witness my hand this 18th day of April, 1956.																			
																MARK R. KULP State Reclamation Engineer			

S T A T E O F I D A H O
D E P A R T M E N T O F R E C L A M A T I O N

WHEREAS, Permit No. G-22761, in the name of LELAND J. GARNER, required proofs of completion of works and beneficial use to be made on or before May 6, 1956; and,

WHEREAS, said Permit was issued in connection with Desert Land Entry #02549; and

WHEREAS, applicant was given special permission to go on land for exploratory purposes October 12, 1955, and an extension of time for proof of completion of works and beneficial use on Permit No. G-22761 was allowed to May 6, 1958; and,

WHEREAS, Desert Entry was allowed July 1, 1957;

NOW, THEREFORE, an Extension of Time is allowed for Completion of Works and Beneficial Use Proofs on Permit No. G-22761 to October 12, 1960, or the length of time applicant was prevented from proceeding pending allowance of his Desert Land Entry and a similar extension is allowed for every other act required under the terms and conditions of Permit No. G-22761.

Signed at Boise, Idaho, this 31st day of March, 1958

/s/ Mark R. Kulp
State Reclamation Engineer

Approved and recorded:
March 31, 1958.

Application for Amendment
POINT OF DIVERSION
Permit No. G-22761

Comes now LELAND J. GARNER and represents to the State Reclamation Engineer of the State of Idaho: That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho, No. G-22761. That the point of diversion is described in said Permit as being located: Well No. 1 in the Southeast Quarter of the Northeast Quarter of Section 10; Well No. 2 in the Southwest Quarter of the Northeast Quarter of Section 10, Township 11, South, Range 21, East Boise Meridian.

That he now requests that the point of diversion be changed to a point located: Well No. 1 to remain the same. Well No. 2 Southeast Quarter of the Northeast Quarter of Section 10, Township 11, South, Range 21, East Boise Meridian.

That the reason for desiring to make such change is as follows: The changing of the point of diversion of Well No. 2 will be more beneficial to the irrigation of the land than it would have been under the original requested location. That no one will be injured by such change, and that such change will be made at Permit Holder's own risk.

Signed at Burley, Idaho, this 16th day of January 1961
/s/ Leland J. Garner

Date of Receipt at Department of Reclamation: January 20, 1961

APPROVAL OF STATE RECLAMATION ENGINEER

I, GEO. N. CARTER, State Reclamation Engineer of the State of Idaho, HEREBY APPROVE the above and foregoing application for amendment to Permit to appropriate the Public Waters of the State of Idaho, No. G-22761. This approval constitutes a new permit and is issued as an amendment to the original permit, to which it refers and of which it becomes a part, and said application is approved only insofar as the rights of others will not be adversely affected thereby.

/s/ GEO. N. CARTER
State Reclamation Engineer

Recorded in Book 81 of
Permits, at Page 22761
February 7, 1961

CERTIFICATE OF COMPLETION OF WORKS

✓
TO ALL WHOM IT MAY CONCERN:

This is to certify that LELAND J. GARNER of Burley, County of Cassia, and State of Idaho, the holder of Permit No. G-22761, issued upon Application No. G-30504 bearing date of priority of May 6, 1952, authorizing the diversion of 6.4 second feet of waters of 2 wells County of Cassia, State of Idaho, for irrigation purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use 4.72 second feet of the waters of 2 wells from subterranean flow that the point of diversion of said waters Both SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 10, T. 11 S., R. 21 E., B.M. and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: 293 acres in N $\frac{1}{2}$, Sec. 10, T. 11 S., R. 21 E., B.M.

Witness my hand this 8th day of June, A.D. 1961

/s/ GEO. N. CARTER
State Reclamation Engineer

Proof of Completion of Works Made: February 21, 1961

PERMIT ISSUED FOR 4.72 SEC. FT.
Page 7093

AFTER FIVE DAYS RETURN TO
DEPARTMENT OF RECLAMATION
ROOM 107, STATE HOUSE
BOISE, IDAHO 83701

RECEIVED
JAN 16 1967

Department of Reclamation

Mr. Leland J. Garner

Route #1

Burley, Idaho



- ☒ Moved, left no address
- ☐ No such number
- ☒ Moved, not forwardable
- ☒ Addressee unknown

22761

S T A T E O F I D A H O

DEPARTMENT OF RECLAMATION
107 Statehouse
Boise, Idaho 83701

G-22761

January 13, 1967

Dear Water User:

As you are aware a large area in Twin Falls and Cassia Counties was designated as a critical ground water area in 1962. Since that time the State Reclamation Department has entered into a cooperative agreement with the U. S. Geological Survey to study the ground-water resources of the area. That study is now completed, and a report is being prepared. The state reclamation engineer is reviewing the hydrology and water level changes while considering the possibility of modifying the area that is designated as critical and closed to additional water development.

With regard to this the State Reclamation Engineer, R. Keith Higginson, will conduct a public meeting in the Murtaugh High School Auditorium at 7:30 P.M. on January 25, 1967. The locations and amounts of present water rights will be reviewed, and alternatives for modification of the area will be presented. In addition U. S. Geological Survey personnel will be present to relate what is now known of the ground water resources of the area.

Water users are encouraged to participate in the discussion, and all interested parties are urged to attend.

Very truly yours,



Jack A. Barnett
Assistant State Reclamation Engineer

JAB:mr

22761

May 17, 1961

Re: Permit No. G-22761

Leland J. Garner
Route #1
Burley, Idaho

Dear Mr. Garner:

Our field engineer's report on his inspection of proof of completion of works and application of water to beneficial use under the terms of Permit No. G-22761 shows the wells ~~is~~ (are) capable of conveying 236 miner's inches, or 4.72 c.f.s. of water for the irrigation of 292.9 acres.

Upon receipt of the statutory fees, totaling \$ 21.00 , we will issue the Certificate of Completion of Works (fee \$5.00) and the License and Certificate of Water Right (fee \$ 16.00 , based at the rate of \$2.00 for each 40-acre subdivision) confirming the right, with priority of May 6, 1952 to the use of 4.72 second feet of subterranean water with the points of diversion in SE¹/₄NE¹/₄, Sec. 10, for the irrigation of 292.9 acres in N¹/₂, Sec. 10, Twp. 11 S., Rge. 21 E., B. M.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer

By:

(Mrs.) Edna P. Rule
Chief Clerk

EPR:ew

22761

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

PERMIT NO. G-22761

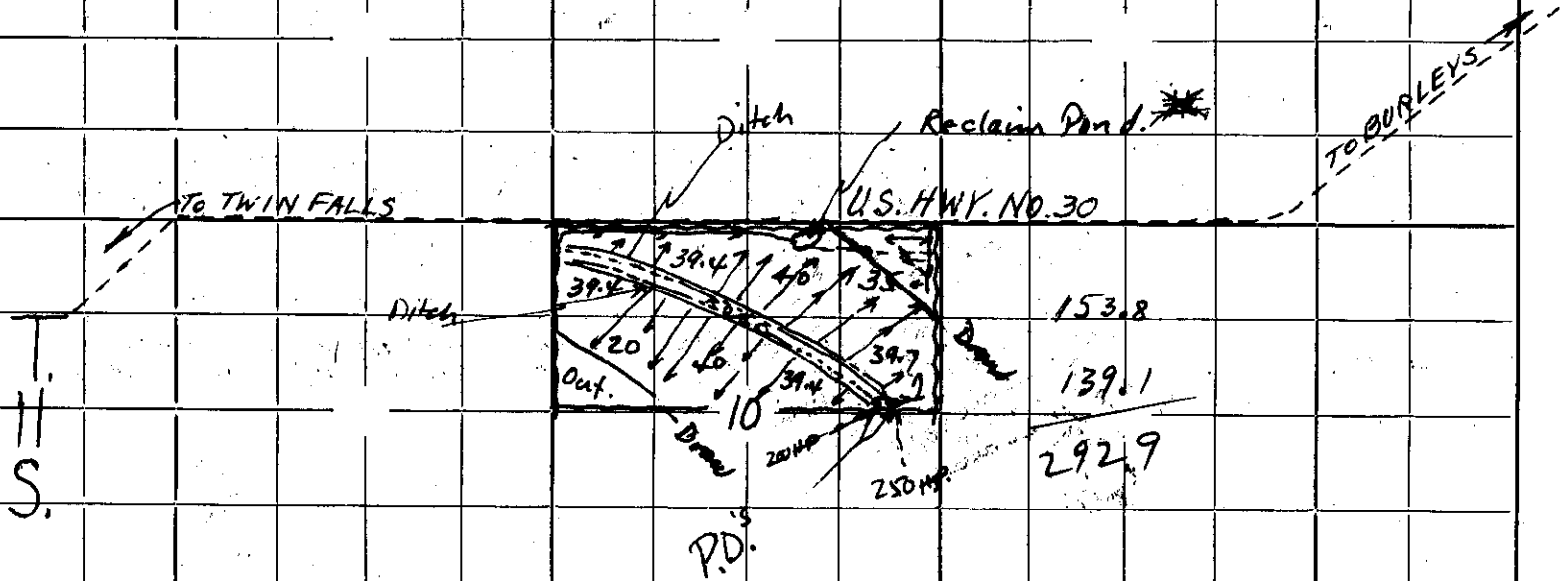
REPORT ON PROOF OF Completion of Works & Beneficial Use

Leland J. Garner, Rt. #1, Burley, Idaho

West Pump .28' over 2' capacity West 100 cfs or 50"
 East Pump 5 Rev 2 1/2 min 9 sec =
 120 388 len 96 cfs 3.72 cfs or 186 inches
 129 1500

R-21E.

372
 100
 472
 236



Subdivision

8

AREA

293 ACRES

East Well = 3.72 cfs
 West Well 1.00 cfs
 4.72 cfs.

Q

4.72 cfs or 236 inches

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

REPORT OF ENGINEER

Permit No. G-22761

This proof is for Completion of Works & Beneficial Use In Water District No. _____

1. Name of applicant Leland J. Garner
2. Source of water supply: Deep wells and pumps
3. Location of point of diversion: Is in the SE 1/4 and SW 1/4 of Section 10
T. 11 S R. 21 E.B.M. County of Cassia

4. Describe works as they exist, giving dimensions and capacities of same: 2 Pumps - West
Byron Jackson Submersible # 5784, Pump 3 CKH3M3, 6 stg, 1125 GPM h: 524'
Motor Type H, 200 HP, 440V, 8" X 5'40" Column with bottom screen 560' total
6E Control Panel 2' E on back of 7' X 9' concrete base. No skidder 8" x 10' track to west
to open ditch. 8" Gate Valve at ditch East Pump. Byron Jackson Submersible
No. 5784, Pump 14 GPM, 6 stg, 1600 GPM @ 574' Motor Type H, 250 HP, 440V, 10" X 520'
plus 20' screen + Motor + Base. Westing house safety switch w/ 10' starting panel on
back board and 8' X 8' concrete base 2' East of 10" X 11' ditch to south, into concrete
lined pond. Then to west and east. West ditch 20" X 600' reduced to 16" 150'. Total 670' -
20" X 45' casing. h: 480' - at 20'. East Well 20" X 600' - Csg. 20" X 50' h: 480' at 12'

5. Water is used for: irrigation
6. State whether or not water has been turned into works of diversion: yes

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigation):

No. Sec. 10., Twp. 11 S., Rge. 21 E.B.M.

(Submit map on attached plat, showing location and details of above description.)

8. What large stream would the water here appropriated finally reach? _____

Remarks: Mr. L. Garner along.

Mr. Garner drilled his own wells - still own Pump but don't have license and has not turned
in well logs. - suggested he get license and turn in logs. He said he is not
doing any drilling now, but has a licensed driller running Rig now.

West Pump measured over 2' Cipolletti Weir - East Pump measured by Sparling Meter.
West Pump Gate Valve partially closed because pump surging already.

* Reclaim Pond engineered by Soil Conserv. Dist - designed to hold 5 ac. feet 2000'
8" concrete pipe buried to east, then to open ditches North & South, and irrigate
back to water. The sump pump is not installed, the ditch dug, tile in place, waiting
for Pump Co. to install. Land is planted and waiting on water.

This examination was made on the _____ day of May, 1961

(Signed)

L. J. Johnson

Examiner.

22761

Leland J. Garner
Rt. #1, Burley, Idaho

Permit No. G-22761

Examination for Completion of Works & Beneficial Use

County Cassia

Sec. 10 T. 11 S. R. 21 E. B. M.

Quantity: 6.4 c.f.s.

Source: Wells

2 wells in

P.D.: SE. NE., Sec. 10, T. 11 S. - R. 21 E. B. M.

Use: Irrigation

Filed: May 6, 1952

Due: Feb. 20, 1961

Extension: 10-12-60

Not notified.

Completion of Works: —

Other Rights: None

Driller - L. J. Garner

Protest. - None.

INSTRUCTIONS TO EXAMINERS

1. Always carefully note the location of the point of diversion and accurately plat same.
2. When proof is for beneficial use, carefully check up the number of acres actually irrigated in each forty and accurately plat same.
3. Make a map showing the correct location of streams and ditches, and the irrigated lands, and any adjacent permanent landmarks, such as towns, lakes, large streams and public roads.
4. If any unusual conditions are discovered, make plain statement of them under remarks.
5. Always see the holder, if possible, and go over the whole ground with him and make your report only upon actual existing facts and conditions.
6. Give general characteristics of soils, topography, and crops raised.

RECEIVED

MAY 16 1961

Department of Reclamation

West - 20'x600' = 16" x 70'
20'x45' casing
480' - dd. 20'

East - 20'x600' - casing 20'x50'
480' - dd. 20'

June 8, 1961

RE: Permit No. G-22761

Leland J. Garner
Rt 2
Burley, Idaho

Dear Mr. Garner:

Enclosed are Certificate of Completion of Works and License
and Certificate of Water Right on Permit No. G-22761.

Also enclosed is departmental receipt No. G-6012 in the
amount of \$21.00 for the payment of the fees.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

(Mrs.) Edna P. Rule
Chief Clerk

EPR:mr

Enc. license
certificate
receipt

22761

RT

State of Idaho
DEPARTMENT OF RECLAMATION
Boise, Idaho
May 17, 1961

RECEIVED
JUN 7 1961
Department of Reclamation

Re: Permit No. G-22761

*change
of
address*
Leland J. Garner
Route ~~1~~ 2
Burley, Idaho

Dear Mr. Garner:

Our field engineer's report on his inspection of proof of completion of works and application of water to beneficial use under the terms of Permit No. G-22761 shows the wells ~~is~~ (are) capable of conveying 236 miner's inches, or 4.72 c.f.s. of water for the irrigation of 292.9 acres.

Upon receipt of the statutory fees, totaling \$ 21.00 , we will issue the Certificate of Completion of Works (fee \$5.00) and the License and Certificate of Water Right (fee \$ 16.00 , based at the rate of \$2.00 for each 40-acre subdivision) confirming the right, with priority of May 6, 1952 to the use of 4.72 second feet of subterranean water with the points of diversion in SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 10, for the irrigation of 292.9 acres in N $\frac{1}{2}$, Sec. 10, Twp. 11 S., Rge. 21 E., B. M.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer

By: *Edna P. Rule*
(Mrs.) Edna P. Rule
Chief Clerk

EPR:ew

22761

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

PERMIT NO. G-22761

~~REPORT ON PROOF OF~~ Completion of Works & Beneficial Use

Leland J. Garner
Rt. # 1
Burley, Idaho

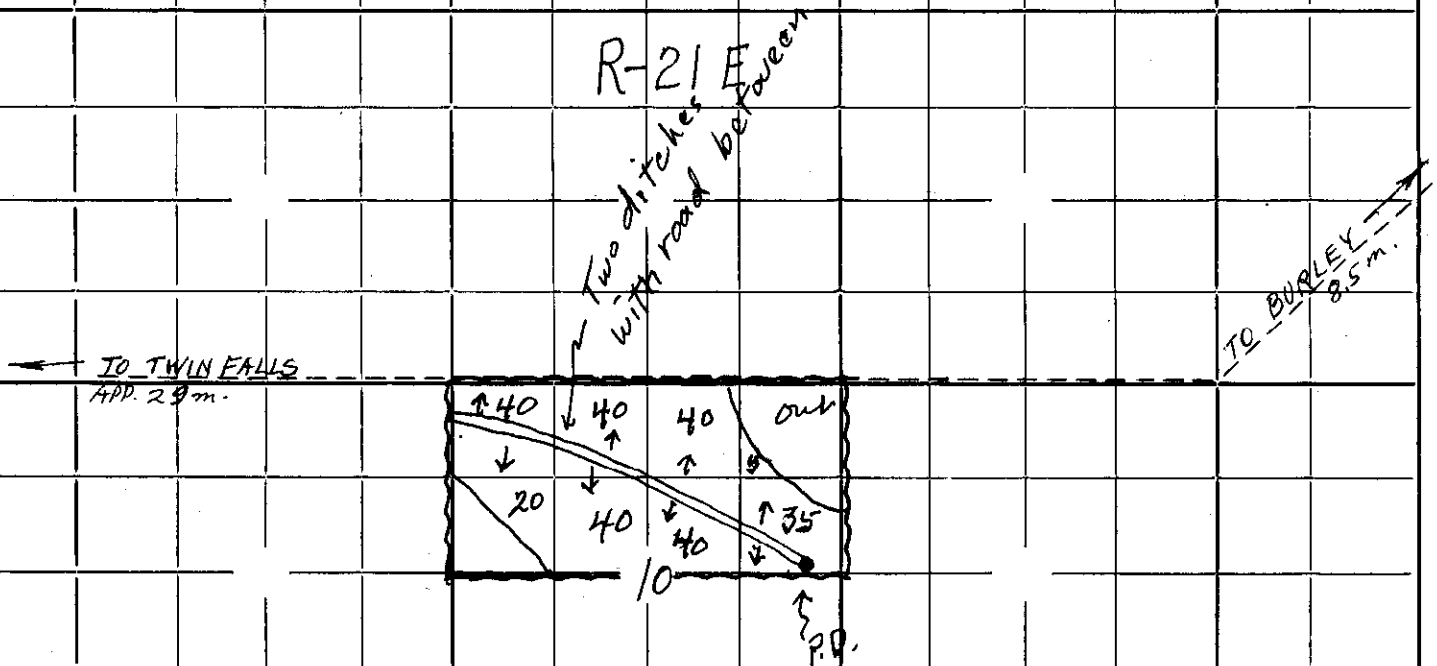
*Void
Proof withdrawn*

4908 $\times 2\frac{1}{2}$

Bill Berry		
------------	--	--

2	4	125	
---	---	-----	--

T.
|||
S.



may with leave.

Subdivisions - 8

Area = 260 acres

$$Q = 85''$$

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

REPORT OF ENGINEER

Permit No. G-22761

This proof is for Completion of Works & Beneficial Use In Water District No. _____

1. Name of applicant Leland J. Garner

2. Source of water supply: Subterranean flow from wells

3. Location of point of diversion: Is in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 10
T. 11 So., R. 21 E. County of Cassia

4. Describe works as they exist, giving dimensions and capacities of same: _____

*Byron Jackson Submersible 348740 JCKH3M3 6 stages
1125 G.P.M. @ 524' head. 200 b.p. 1750 R.P.M. 262 a.m.p.s
8' delivery to west 12' into open ditch. To field by gravity.
Concrete base 8'x10'. No protection. Gate valve at pump.
lift = 505' G.E. Control panel on concrete base to S.E.*

5. Water is used for: Irrigation

6. State whether or not water has been turned into works of diversion: Yes.

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigation):

NE $\frac{1}{4}$, NW $\frac{1}{4}$, Section 10, Township 11 South, Range 21 E., B.M.

85" on strength of Bill Berrys reading

(Submit map on attached plat, showing location and details of above description.)

8. What large stream would the water here appropriated finally reach? _____

Remarks: _____

Measured over weir = 70"

Mr. Garner along.

Intends to with draw and put down another well.

This examination was made on the 12 day of August, 19 59

(Signed) E. M. Humphrey Examiner.

22761

INSTRUCTIONS TO EXAMINERS

1. Always carefully note the location of the point of diversion and accurately plat same.
2. When proof is for beneficial use, carefully check up the number of acres actually irrigated in each forty and accurately plat same.
3. Make a map showing the correct location of streams and ditches, and the irrigated lands, and any adjacent permanent landmarks, such as towns, lakes, large streams and public roads.
4. If any unusual conditions are discovered, make plain statement of them under remarks.
5. Always see the holder, if possible, and go over the whole ground with him and make your report only upon actual existing facts and conditions.
6. Give general characteristics of soils, topography, and crops raised.

RECEIVED
AUG 14 1959

Department of Reclamation

Leland J. Garner
Rt. # 1, Burley, Idaho

Permit No. G-22761

Examination for

County

Q = 6.4 c.f.s.

9 = Wells

P.L. = SE. NE. }
SW. NE. }

Q = 2 Irrigation

22" x 670' h = 456' Q = 3/10

160 = 1 acre

Filed May 6, 1952

Due Oct. 12, 1960 (Ext.)

1125 gpm @ 524'

lost 85" on aug 11 during

no other rights

1.38 cfs
50
69°

174 hp. - demand

35' over 2' Cip. weir

540' Col. x 8"

February 28, 1961

Re: Permit No. **G-22761**

**Mr. Leland J. Garner
Route #1
Burley, Idaho**

Dear Mr. Garner:

We acknowledge receipt of the depositions of holder and two witnesses, also affidavit of publication in the **The Herald - Bulletin**, all submitted in proof of completion of works and beneficial use on Permit No. **G-22761**.

Before final action is taken in the matter, the law requires that a field examination be made by an engineer from this department.

We cannot tell just when this examination will be made, but our field engineer will try and contact you at the time he makes the examination so that arrangements may be made to show him over the grounds.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer

By:

(Mrs.) Edna P. Rule
Chief Clerk

EPR:

**cc: Nelson & Nelson
Attorneys and Counselors at Law
P. O. Box 367
Burley, Idaho**

22761

NIELSON & NIELSON
ATTORNEYS AND COUNSELORS AT LAW
P. O. BOX 367
BURLEY, IDAHO

A. H. NIELSON
N. H. NIELSON

February 27, 1961

RECEIVED
FEB 28 1961
Department of Reclamation

State of Idaho
Department of Reclamation
Boise, Idaho

RE: LeLand J. Garner

Gentlemen:

Enclosed you will find the Deposition of Holder and
two Depositions of Witnesses together with the Affidavit
in the above matter.

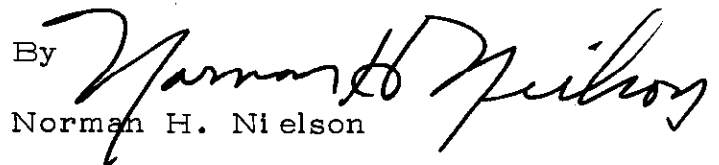
Would you please process these papers.

Very truly yours,

NIELSON & NIELSON

By

Norman H. Nielson



NHN:db

Encls.

22761

**NOTICE OF PROOF OF
COMPLETION OF WORKS**

**APPLICATION OF WATER TO
BENEFICIAL USE**

Notice is hereby given that at 10:00 a.m. on the 20th day of February, 1961, at Burley, County of Cassia, State of Idaho, before Norman H. Nielson, Notary Public, at Burley, Cassia County, Idaho, proof will be submitted of the completion of works for the diversion of 6.4 cubic feet per second of underground water from a well, and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. 632761, heretofore issued, by the Department of Reclamation of the State of Idaho.

1. The name and postoffice address of the person or corporation holding said permit is Leland J. Garner, Route No. 1, Burley, Idaho.

2. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conveying to the place of use is six (6) cubic feet per second.

3. The use to which said water has been applied is irrigation purposes, and the amount applied to beneficial use is six (6) cubic feet per second.

4. The point of diversion of said water is Well No. 1 and Well No. 2, both located in the Southeast Quarter of the Northeast Quarter of Section 10, Township 11, South, Range 21, East Boise Meridian.

5. The place where said water is used is North Half of Section 10, Township 11, South, Range 21, East Boise Meridian.

6. The Date of priority which said user is prepared to establish is May 6, 1952.

Geo. N. Carter

Published in The Herald-Bulletin
State Reclamation Engineer
on Jan. 31, Feb. 7, 14, 21, 1961.

Affidavit of Publication.

The Herald-Bulletin

AFFIDAVIT OF PUBLICATION

RECEIVED
FEB 28 1961

STATE OF IDAHO

COUNTY OF CASSIA

ss.

Department of Reclamation

Carl Jones, first being duly sworn, deposes and says: That he is the printer of The Herald-Bulletin, a daily newspaper published at Burley, in the County of Cassia, State of Idaho; that the said newspaper has a general circulation in said county, and that the said newspaper is published daily and has been continuously and uninterruptedly published in said county, not less frequently than once a day, during a period of seventy-eight consecutive weeks immediately prior to the first publication of the printed notice herein referred to;

That said newspaper at all times herein mentioned, has been a newspaper of general circulation, made up of at least four pages of at least five columns each, printed from typed matter or stereotyped forms of at least seventeen and three-fourths inches depth, and during the whole of said time has had at least two hundred bona-fide subscribers living within said County of Cassia.

Affiant further states that the printed notice attached hereto was duly published according to law, in the regular weekly editions of the said newspaper and not in any supplement thereof, for four consecutive weeks, commencing with the issue dated Jan. 31, 1961 and ending with the issue dated Feb. 14, 1961.

Subscribed and sworn to before me this 24th day of Feb, 1961.

Hazel G. Shroddell
Notary Public in and for the State of Idaho,
Residing at Burley, Idaho.

My Commission Expires June 4, 1963

RECEIVED
JUN 11 1952
Department of Reclamation

**STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO**

✓
Permit No. G-22761

Proof of Application of Water to Beneficial Use

and Completion of Works Deposition of Holder

Ques. 1. State your name, residence, occupation and postoffice address.

Ans. ✓ LeLand J. Garner, Route #1, Burley, Idaho, Farmer

Ques. 2. If acting in behalf of corporation, state its name, principal place of business (if a foreign corporation, give name of postoffice of statutory agent), your position with reference to same, and your authority for appearing in its behalf.

Ans.

Ques. 3. State number and date of permit, and date of priority you propose to establish under the permit.

Ans. Permit No. G-22761, Dated May 6, 1952, date of priority, May 6, 1952.

Ques. 4. State source of water supply and give exact location of point of diversion.

Ans. Point of diversion of said water is Well No. 1 and Well No. 2 which are both located in the Southeast Quarter of the Northeast Quarter of Section 10, Township 11 South, Range 21 East Boise Meridian.

Ques. 5. Describe your works of diversion, and state amount of water they are capable of conveying from point of diversion to place of use, and give name of canal or ditch or other works by which water is conducted to such place of use. If a well, state depth of well, depth and size of casing and depth to water. If pump is used, state discharge of pump and tell how it was measured or determined. If sprinkler irrigation, give number and size of nozzles and operating pressure.

Ans. The diversion works consists of a well, pumps and open ditches. The open ditches are capable of conveying 6 cubic feet per second of water from the point of diversion to the place of use and open ditches convey the water to place of use. Well No. 1 is 670 feet deep, there is a casing 22 inches which goes down 42 feet, the depth of the water is approx. 350 feet. Well No. 1 produces 5 minors inches of water, has a 200 horse power Byron Jackson submergible pump. Well No. 2 is 600 feet deep, has a 20 inch casing down

Ques. 6. State for what purpose water is used and describe place of use. (If for irrigation, name each subdivision in which used, and number of acres in each subdivision that have actually been irrigated with said water.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. Water is used for irrigation and is used to irrigate the North Half of Section 10, Township 11 South, Range 21 E. B.M. That the nature of the improvements that have been placed on the said property is that two wells have been drilled, pumps have been placed on the wells, ditches have been constructed and land leveling has been performed on the property.

Ques. 6-a If this is a ground water permit, give name and address of person that drilled the well.

Ans. This affiant has drilled the wells himself with the assistance of his brother.

*50 feet and the well produces 215 inches of water, has a 250 horsepower Byron Submergible pump and the depth of the water is approx. 350 feet deep. 22761

Ques. 7. If for other than irrigation purposes; state how applied, amount of horse power generated, etc.

Ans. _____

Ques. 8. What is the minimum amount of water required for the purpose specified above?

Ans. That the minimum amount of water required is 6 cubic feet per second.

Ques. 9. If you are not the person or representative of the corporation to whom above mentioned permit was originally issued, please state how ownership was acquired by present holder.

Ans. I am the individual who originally filed application for the well permit.

Ques. 10. State when, how, in what amount and to what extent the water diverted under above mentioned permit has been used.

Ans. That the water from Well No. 1 has been used for two cropping seasons, (1959 and 1960) and the water from well No. 2 was first used during the month of September, 1960.

Ques. 11. State when, how, in what amount and to what extent waters other than those diverted under the above mentioned permit have been diverted and applied to beneficial use upon the lands herein described. Give full particulars regarding such other appropriations and rights claimed thereunder.

Ans. There is no other water available to the above ground other than that which is produced from the wells set out herein.

(Sign) _____

Leland J. Garner

I hereby certify that the foregoing testimony was read to the above subscribed before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed

and sworn to before me, at my office in _____ Burley _____, County of _____ Cassia _____,

State of Idaho, on this _____ 21st _____ day of _____ February _____, A. D. 1961.

Wm. B. Gibson

My commission expires _____ May 12, 1962 _____

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

RECEIVED

Department of Reclamation

Permit No. G-22761

**Proof of Application of Water to Beneficial Use
and Completion of Work**
Deposition of Witness

The deposition of two witnesses, on this form, taken separately, required in each case.

Ques. 1. State your name, age, residence, occupation and postoffice address.

Ans. C. LeRoy Garner, 44 years of age, Route #1, Burley, Idaho,
Occupation, Farmer.

Ques. 2. Are you acquainted with LeLand J. Garner, the holder of Permit No. G-22761? How long have you known him and where does he reside?

Ans. I have known LeLand J. Garner for 35 years and he resides
at Route 1, Burley, Idaho.

Ques. 3. Have you read or heard read said Permit No. G-22761, and are you familiar with its provisions and conditions?

Ans. Yes

Ques. 4. State source of water supply, place of diversion, and describe works for conveying water from point of diversion to place of use.

Ans. The source of water supply are two subterranean wells, which wells
are both located in the SE Quarter of the NE Quarter of Sec. 10, Township
11 South, Range 21 EBM. The works for conveying water from point of
diversion to place of use consists of open ditches.

Ques. 5. How many second feet of water do you estimate said works will safely conduct to place of use, and how much water have you seen being so conveyed?

Ans. The works will safely conduct from point of diversion to place of
use 6 cubic feet per second of water.

Ques. 6. (Pumps) How much water in cubic feet per second, miner's inches, or gallons per minute have you seen the pump deliver, and how did you measure or estimate the amount?

Ans. I have seen well no. 1 produce 85 minors inches of water and this
was measured by an estimate of the amount. I have seen Well No. 2
produce 215 inches of water, this was also estimated.

22761

Ques. 7. State for what purpose water is used and at what place. (If for irrigation, give each subdivision in which water has been used and number of acres irrigated in each subdivision.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. Water is used for irrigation and is used to irrigate all of the North Half of Section 10, Township 11, South, Range 21, East Boise Meridian. That this ground has been reclaimed from desert ground, that the sagebrush has been taken from said ground, the ground has been cleared and the ground has been leveled and ditches have been put on the ground, two wells have been drilled,*

Ques. 8. If for power or other purposes than irrigation, state how water has been applied and to what extent.

Ans. The water is used for irrigation,

Ques. 9. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

Ans. The land reclaimed has been desert land and has now been put into cultivated land. That the estimated amount of water for its possible cultivation is 6 cubic feet per second.

Ques. 10. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent?

Ans. None

Ques. 11. State when, how, in what amount and to what extent you have witnessed the application to beneficial use of water diverted under said permit.

Ans. Well No. 1 produces 85 minora inches of water was used for the cropping season of 1959 and 1960. Well No. 2 was used for the first time during September, 1960. I have been on the property a number of times and have observed the water being put to beneficial use.

(Signed)

E. Lloyd Garner

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in Burley, County of Cassia, State of Idaho, on this 21 day of February, A. D. 1961.

Norman H. Hickory
Notary Public.

My commission expires May 12, 1962

*on the ground and pumps have been installed in the wells.

22761

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

RECEIVED
FEB 28 1961

Department of Reclamation

Permit No. G-22761

Proof of Application of Water to Beneficial Use

Deposition of Witness *and Completion of Work*

The deposition of two witnesses, on this form, taken separately, required in each case.

Ques. 1. State your name, age, residence, occupation and postoffice address.

Ans. William B. Thomas, 32 years of age, Route # 2, Burley, Idaho, Occupation, Farmer, Route # 2, Burley, Idaho.

Ques. 2. Are you acquainted with LeLand J. Garner, the holder of Permit No. G-22761? How long have you known him and where does he reside?

Ans. I have known LeLand Garner for eight years.

Ques. 3. Have you read or heard read said Permit No. G-22761, and are you familiar with its provisions and conditions?

Ans. Yes

Ques. 4. State source of water supply, place of diversion, and describe works for conveying water from point of diversion to place of use.

Ans. The source of water supply is two subterranean wells, which wells are both located in the SE Quarter of the NE Quarter of Section 10, Township 11, South, Range 21, E.B.M. The works for conveying water from point of diversion to place of use consists of open ditches.

Ques. 5. How many second feet of water do you estimate said works will safely conduct to place of use, and how much water have you seen being so conveyed?

Ans. The works will safely conduct from point of diversion to place of use 6 cubic feet per second of water.

Ques. 6. (Pumps) How much water in cubic feet per second, miner's inches, or gallons per minute have you seen the pump deliver, and how did you measure or estimate the amount?

Ans. I have seen Well No. 1 produce 85 minors inches of water and this was measured by an estimate of the amount. I have seen Well No. 2 produce 215 inches of water, this was also estimated.

22761

Ques. 7. State for what purpose water is used and at what place. (If for irrigation, give each subdivision in which water has been used and number of acres irrigated in each subdivision.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. Water is used for irrigation and is used to irrigate all of the North Half of Section 10, Township 11, South, Range 21, East Boise Meridian. That this ground has been reclaimed from desert ground, that the sagebrush has been taken from said ground, the ground has been cleared and the ground has been leveled and ditches have been put on the ground, two wells have been drilled,*

Ques. 8. If for power or other purposes than irrigation, state how water has been applied and to what extent.

Ans. The water is used for irrigation.

Ques. 9. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

Ans. The land reclaimed has been desert land and has now been put into cultivated land. That the estimated amount of water for its possible cultivation is 6 cubic feet per second.

Ques. 10. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent?

Ans. None.

Ques. 11. State when, how, in what amount and to what extent you have witnessed the application to beneficial use of water diverted under said permit.

Ans. Well No. 1 produces 85 minors inches of water was used for the cropping season of 1959 and 1960. Well No. 2 was used for the first time during September, 1960. I have been on the property a number of times and have observed the water being put to beneficial use.

(Signed)

William B. Thomas

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in Burley, County of Cassia, State of Idaho, on this 21 day of February, A. D. 1961.

Notary Public.

My commission expires May 12, 1962

*on the ground and pumps have been installed in the wells.

22761

February 7, 1961

RE: Permit No. G-22761

Leland J. Garner
Rt 1
Burley, Idaho

Dear Mr. Garner:

Enclosed is amendment to the point of diversion on Permit No. G-22761.

Also enclosed is departmental receipt No. G-5632 in the amount of \$1.00 for the fee for recording the amendment.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

(Mrs.) Edna P. Rule
Chief Clerk

EPR:mr

Enc. amendment
receipt

22761

RT

February 6, 1961

Re: Permit No. G-22761
Leland J. Garner

Burley Herald Bulletin
Burley, Idaho

Gentlemen:

On January 24, 1961 we sent a Notice of Publication on the above numbered permit, in the name of Leland J. Garner, requesting that a tear sheet or copy be mailed to this office for proofing.

To date we have not received such tear sheet, and ask that you mail us a copy for checking purposes.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer

By:

H. PETRI
Water Rights Clerk

HP:ew

22761

January 26, 1961

RE: Permit No. G-22761

Leland J. Garner
Rt 1
Burley, Idaho

Dear Mr. Garner:

We acknowledge receipt of application for amendment to the point of diversion on Permit No. G-22761.

There is a fee of \$1.00 for recording an amendment on any permit. As soon as this fee is received in this office the amendment will be recorded and returned to you.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

(Mrs.) Edna P. Rule
Chief Clerk

EPR:mr

22761

RECEIVED
JAN 20 1961

Department of Reclamation

Application for Amendment

POINT OF DIVERSION

Permit No. G22761

Comes now LELAND J. GARNER and represent s to the State Reclamation Engineer of the State of Idaho:

That he is (are) the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho, No. G22761.

That the point of diversion is described in said Permit as being located:

~~Point of Diversion Well No. 1 is located in the Southeast Quarter of the Northeast Quarter of Section 10, Township 11, South, Range 21, East Boise Meridian.~~
~~Point of Diversion of Well No. 2 is located in the Southwest Quarter of the Northeast Quarter of Section 10, Township 11, South, Range 21, East Boise Meridian.~~

That he now requests that the point of diversion be changed to a point located: Diversion point of Well No. 1 to remain the same. Diversion point of Well No. 2 to be changed to the Southeast Quarter of the Northeast Quarter of Section 10, Township 11, South, Range 21, East Boise Meridian.

That the reason for desiring to make such change is as follows:

The changing of the point of diversion of Well No. 2 will be more beneficial to the irrigation of the land than it would have been under the original requested location.

That no one will be injured by such change, and that such change will be made at Permit Holder's own risk.

Signed at Burley, Idaho, this 16th day of January 1961
Leland J. Garner

Date of Receipt at Department Of Reclamation: January 20, 1961

APPROVAL OF STATE RECLAMATION ENGINEER

I, GEO. N. CARTER, State Reclamation Engineer of the State of Idaho, HEREBY APPROVE the above and foregoing application for amendment to Permit to Appropriate the Public Waters of the State of Idaho, No. G-22761. This approval constitutes a new permit and is issued as an amendment to the original permit, to which it refers and of which it becomes a part, and said application is approved only insofar as the rights of others will not be adversely affected thereby.

Recorded in Book 81 of
Permits, at Page 22761
February 7, 1961

G. N. Carter
State Reclamation Engineer

22761

67

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

BOISE

January 24, 1961

DEPOSITIONS ARE OF NO VALUE

UNLESS AFFIDAVIT OF PUBLICATION

Re: Permit No. G-22761
Leland J. Garner

IS ATTACHED

Nielson & Nielson,
Attorneys at Law,
Box 367
Burley, Idaho.

Attention: Norman H. Nielson

Gentlemen:

This acknowledges the Notice of Proof of Completion of Works and Application of Water to Beneficial Use under Permit No. G-22761, in the name of Leland J. Garner. Final Proof is to be made before you, as Notary on the 20th day of February, 1961, ~~1960~~ at 10:00 o'clock A.M., at Burley, Idaho.

As of this date we have mailed the Notice to the Burley Herald Bulletin with instructions to publish it once a week for four consecutive weeks prior to the date set for final proof and then mail the Affidavit of Publication and statement of costs to you.

It is important that the enclosed depositions be executed by the permit holder and two disinterested witnesses who are familiar with the terms of the permit and the work done thereunder, at the time, on the date and before you, as Notary, as stated in the publication notice. It is very important and necessary that each question be answered in detail.

In returning the depositions to this office, be sure that all copies have been signed, that your Notary's seal has been placed on each and that all depositions, (Holder and two witnesses) are being returned. Also be sure to enclose the Affidavit of Publication.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer

By:

(Mrs.) Edna P. ~~xxxxxxxx~~ ^{Rule}
Chief Clerk

Encl.

EPR:Pk

cc: Applicant

22761

506
8-15-60

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

Boise, Idaho

Re: Permit No. G-22761
Leland J. Garner

Date: Jan. 24, 1961

Burley Herald Bulletin
Burley, Idaho.

Gentlemen:

Enclosed you will find notice for publication, once a week for four consecutive weeks prior to **February 20, 1961** the date set for proof; the expense of the publication is to be paid by the applicant

Leland J. Garner of **Route #1, Burley, Idaho** to whom you should furnish proof of publication on or prior to the date set for proof.

Please acknowledge receipt of this notice and furnish this office with a copy or tear sheet of the first publication.**

Very truly yours,


GEO. N. CARTER
State Reclamation Engineer

** If the first copy is not received in this office for checking purposes and errors appear in subsequent issues, it is possible that re-publication of corrected copy will be at your own expense

Encl.

22761

NIELSON & NIELSON
ATTORNEYS AND COUNSELORS AT LAW
P. O. BOX 367
BURLEY, IDAHO

A. H. NIELSON
N. H. NIELSON

January 19, 1961

RECEIVED
JAN 20 1961
Department of Reclamation

Department of Reclamation
State House
Boise, Idaho

Gentlemen:

Enclosed you will find a Notice of Proof of Completion of Works and Application of Water to Beneficial Use and an Application for Amendment of Point of Diversion and Form No. 11 in the name of Leland J. Garner.

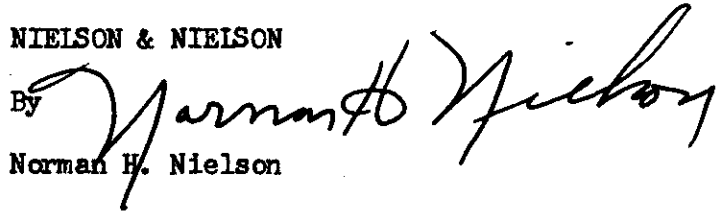
Would you please process the same. Thank you.

Very truly yours,

NIELSON & NIELSON

By

Norman H. Nielson



NHN:db

Encls.

22761

RECEIVED
JAN 20 1961
Department of Reclamation

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) January 17, 1961

(P. O.) Burley, Idaho

TO THE STATE RECLAMATION ENGINEER:

Boise, Idaho

Dear Sir:

You are hereby authorized to have the attached notice published at my expense in the
Burley Herald Bulletin of Burley, Cassia County, Idaho published in
the county in which the works are situated.

Leland J. Garner

(In case of canals or other works designed to divert and carry more than 50 cubic feet of water per second, the following certificate must be signed by a well known and competent engineer.)

I hereby certify that the facts set forth in the attached notice are true.

Engineer.

22761

RECEIVED
JAN 20 1961
Department of Reclamation

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) January 17, 1961

(P. O.) Burley, Idaho

TO THE STATE RECLAMATION ENGINEER:

Boise, Idaho

Dear Sir:

You are hereby authorized to have the attached notice published at my expense in the
Burley Herald Bulletin of Burley, Cassia County, Idaho published in
the county in which the works are situated.

Leland J. Garner

(In case of canals or other works designed to divert and carry more than 50 cubic feet of water per second, the following certificate must be signed by a well known and competent engineer.)

I hereby certify that the facts set forth in the attached notice are true.

Engineer.

22761

NOTICE OF PROOF OF COMPLETION OF WORKS
and
APPLICATION OF WATER TO BENEFICIAL USE

RECEIVED
JAN 20 1961
Department of Reclamation

Notice is hereby given that at 10:00A. M., on the 20th day of February 1961, at Burley, County of Cassia, State of Idaho, before Norman H. Nielson, Notary Public, at (address) Burley, Cassia County, Idaho, proof will be submitted of the completion of works for the diversion of ~~six (6)~~ 6.4 cubic feet per second of underground water from a well, and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. G22761 ✓, heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name and postoffice address of the person or corporation holding said permit is Leland J. Garner, Route # 1, Burley, Idaho

2. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conveying to the place of use is six (6) cubic feet per second.

3. The use to which said water has been applied is irrigation purposes, and the amount applied to beneficial use is six (6) cubic feet per second.

4. The point of diversion of said water is Well No. 1 and Well No. 2 both located in the Southeast Quarter of the Northeast Quarter of Section 10, Township 11, South, Range 21, East Boise Meridian.

5. The place where said water is used is North Half of Section 10, Township 11, South, Range 21, East Boise Meridian.

6. The date of priority which said user is prepared to establish is May 6, 1952 ✓.

L. H. Carter

State Reclamation Engineer

22761

127

January 10, 1961

Re: Permit No. G-22761

Leland J. Garner
Route #1
Burley, Idaho

Dear Mr. Garner:

Enclosed is form for amending point of diversion requested in your letter of January 9th.

The prior proofs were withdrawn. The proofs were due October 12, 1960. You were not given prior notice of the due date however you will receive the pre-cancellation notice before the end of this month.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer

By:

(Mrs.) Edna P. Rule
Chief Clerk

RTSEPR:ew

22761

RECEIVED
JAN 9 1961

Department of Reclamation

Leland J. Garner
Route #1
Burley, Idaho

Dept. of Reclamation
 Boise, Idaho

Dear Sir:

I would like to make
application to change the location
of well B. on permit No. L-22761.

Please send me necessary
forms or other information.

Thank you,

Leland J. Garner

Procs. due 10-12-60

22761

Maxine and Leland J. Garner

Route 1
Burley, Idaho

RECEIVED
AUG 26 1959
Department of Reclamation

Aug 18, 1959

Department of Reclamation
Boise, Idaho

Gentlemen:

This is to advise that I
wish to withdraw my final
Proof papers of completion of works
and beneficial use. Permit No. G-22761
I wish to take proof at a later date.

Leland J. Garner
Route #1
Burley, Idaho

22761

August 17, 1959

RE: Permit No. G-22761

Leland J. Garner
Rt 1
Burley, Idaho

Dear Mr. Garner:

Our field engineer's report on his inspection of the completion of works and beneficial use of the water under the terms of Permit No. G-22761 shows that the well is capable of conveying 85 miner's inches (1.7 c.f.s.) of water for irrigation of 260 acres.

Upon receipt of the statutory fees, totaling \$21.00, we will issue the Certificate of Completion of Works (for which the fee is \$5.00) and the License and Certificate of Water Right (\$16.00 at the rate of \$2.00 for each 40-acre subdivision), confirming the right with priority of May 6, 1952, to the use of 1.7 second feet of subterranean water, with point of diversion in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 10, for irrigation of 260 acres in the N $\frac{1}{2}$ of Section 10, Township 11S., Range 21E.B.M.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

(Mrs.) Edna P. Rutledge
Chief Clerk

RT:EPR:mr
cc to Norman H. Nielson
Attorney at Law
Box 367
Burley, Idaho

*By phone 8-24-59
Permit folder said
he was withdrawing Profs
Made Jan 5, 1959. Letter
will follow. G.H.*

22761

January 12, 1959

Re: Permit No. G-22761

Mr. Leland J. Garner
Route # 1
Burley, Idaho

Dear Mr. Garner:

We acknowledge receipt of the Deposition of Holder and two witnesses, also affidavit of publication in the Burley Herald, all submitted in Proof of Completion of Works and Application of Water to Beneficial Use, on Permit No. G-22761.

Before final action is taken in the matter, the law requires that a field examination be made by an engineer from this department.

We cannot tell just when this examination will be made, but our field engineer will try and contact you at the time he makes the examination so that arrangements may be made to show him over the grounds.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

(Mrs.) Edna P. Rutledge
Chief Clerk

EPR/lw
cc: Norman H. Nielson
Attorney At Law
P. O. Box 367
Burley, Idaho

22761

NIELSON & NIELSON
ATTORNEYS AND COUNSELORS AT LAW
P. O. BOX 367
BURLEY, IDAHO

A. H. NIELSON
N. H. NIELSON

January 8, 1959

RECEIVED
JAN 9 1959
Department of Reclamation

Department of Reclamation
State House
Boise, Idaho

Dear Sir:

Enclosed you will find the Proof of Application of Water to Beneficial Use under permit no. G-22761 in the name of Leland J. Garner.

At the time the notice was sent a mix-up occurred in the amount of water which the well produced. It should have been 3 cubic feet instead of 6. However, as long as more water was asked for, than proof is being made upon, we would think that this would make very little difference.

If there is any further information you desire on this matter, please let us know.

Very truly yours,

NIELSON & NIELSON

By

Norman H. Nielson
Norman H. Nielson

NHN/ord

Encl.

22761

**NOTICE OF PERMIT AND
COMPLETION OF WORKS**

**APPLICATION OF WATER
TO BENEFICIAL USE**

Notice is hereby given that
10:00 A.M., on the 5th day of Jan-
uary, 1959, at Burley, County of
Cassia, State of Idaho, before
me, at Box 327, Burley, Idaho,
proof will be submitted of the
completion of works for the di-
version of 6.4 cubic feet per se-

cond of underground water from
a well, and of the application to
beneficial use of said water, in
accordance with the terms and
conditions of Permit No. G-22781
heretofore issued by the Depart-
ment of Reclamation of the State
of Idaho.

1. The name and postoffice ad-
dress of the person or corporation
holding said permit is Leland J.
Garner, Route #1, Burley, Idaho.

2. Said works of diversion will
be fully completed on the date set
for such completion, and the
amount of water which said works
are capable of conveying to the
place of use is 6 cubic feet per
second.

3. The use to which said water
has been applied is irrigation
purposes, and the amount applied
to beneficial use is 6 cubic feet
per second.

4. The point of diversion of said
water is SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Sec. 16,
Twp. 11 South, Rge. 21 E. B. M.

5. The place where said water
is used is NW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$,
E $\frac{1}{2}$ NE $\frac{1}{4}$, all in Sec. 10, Twp. 11
So., Rge. 21 E. B. M.

6. The date of priority which
said user is prepared to establish
is May 6, 1952.

Geo. W. Carter
State Reclamation Engineer
Published in the Burley Herald
Jan. 1, 1959.

Affidavit of Publication.

The Burley Herald-Bulletin

AFFIDAVIT OF PUBLICATION

JAN 9 1959

STATE OF IDAHO } ss.
COUNTY OF CASSIA }

Department of Reclamation

.....Carl Jones....., first being duly sworn, deposes and
says: That he is the printer of The Burley Herald and/or The Burley Bulletin,
a weekly newspaper published at Burley, in the County of Cassia, State of Idaho;
that the said newspaper has a general circulation in said county, and that the said
newspaper is published weekly and has been continuously and uninterruptedly published
in said county, not less frequently than once a week, during a period of seventy-eight
consecutive weeks immediately prior to the first publication of the printed notice herein
referred to;

That said newspaper at all times herein mentioned, has been a newspaper of general
circulation, made up of at least four pages of at least five columns each, printed from
typed matter or steroyped forms of at least seventeen and three-fourths inches depth,
and during the whole of said time has had at least two hundred bona-fide subscribers
living within said County of Cassia.

Affiant further states that the printed notice attached hereto, was duly published
according to law, in the regular weekly editions of the said newspaper and not in any
supplement thereof, for four consecutive weeks, commencing with the issue
dated Dec...11.., 1958..., and ending with the issue dated Jan...1.., 1959...

Subscribed and sworn to before me this 1st day of January, 1959.

Hazel G. Swartzel
Notary Public in and for the State of Idaho,
Residing at Burley, Idaho.

22761

NOTICE OF PROOF OF
COMPLETION OF WORKS

and
APPLICATION OF WATER
TO BENEFICIAL USE

Notice is hereby given that 10:00 A.M., on the 5th day of January, 1959, at Burley, County of Cassia, State of Idaho, before Norman H. Nielson, Notary Public, at Box 367, Burley, Idaho, proof will be submitted of the completion of works for the diversion of 6.4 cubic feet per second of underground water from a well, and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. G-22761 heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name and postoffice address of the person or corporation holding said permit is Leland J. Garner, Route #1, Burley, Idaho.

2. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conveying to the place of use is 6 cubic feet per second.

3. The use to which said water has been applied is Irrigation purposes, and the amount applied to beneficial use is 6 cubic feet per second.

4. The point of diversion of said water is SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Sec. 10, Twp. 11 South, Rge. 21 E. B. M.

5. The place where said water is used is NW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NE $\frac{1}{4}$, all in Sec. 10, Twp. 11 So., Rge. 21 E. B. M.

6. The date of priority which said user is prepared to establish is May 6, 1952.

Geo. N. Carter
State Reclamation Engineer
Published in the Burley Herald,
p. 11-12-25, 1958, Jan. 1, 1959.

Affidavit of Publication.

The Burley Herald-Bulletin

AFFIDAVIT OF PUBLICATION

JAN 9 1959

STATE OF IDAHO }
COUNTY OF CASSIA } ss.

Department of Reclamation

.....Carl Jones....., first being duly sworn, deposes and says: That he is the printer of The Burley Herald and/or The Burley Bulletin, a weekly newspaper published at Burley, in the County of Cassia, State of Idaho; that the said newspaper has a general circulation in said county, and that the said newspaper is published weekly and has been continuously and uninterruptedly published in said county, not less frequently than once a week, during a period of seventy-eight consecutive weeks immediately prior to the first publication of the printed notice herein referred to;

That said newspaper at all times herein mentioned, has been a newspaper of general circulation, made up of at least four pages of at least five columns each, printed from typed matter or steroyped forms of at least seventeen and three-fourths inches depth, and during the whole of said time has had at least two hundred bona-fide subscribers living within said County of Cassia.

Affiant further states that the printed notice attached hereto, was duly published according to law, in the regular weekly editions of the said newspaper and not in any supplement thereof, for four consecutive weeks, commencing with the issue dated Dec...11.., 1958..., and ending with the issue dated Jan...1.., 1959...

Subscribed and sworn to before me this 1st day of January, 1959.

Hazel G. Swartzell
Notary Public in and for the State of Idaho,
Residing at Burley, Idaho.

22761

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

RECEIVED
JAN 9 1959
Department of Reclamation

Permit No. 9-22761

Proof of Application of Water to Beneficial Use

Deposition of Holder and Completion of Works

Ques. 1. State your name, residence, occupation and postoffice address.

Ans. Leland J. Garner, Route # 1, Burley, Idaho, farmer, Route # 1, Burley, Idaho

Ques. 2. If acting in behalf of corporation, state its name, principal place of business (if a foreign corporation, give name of postoffice of statutory agent), your position with reference to same, and your authority for appearing in its behalf.

Ans. _____

Ques. 3. State number and date of permit, and date of priority you propose to establish under the permit.

Ans. Permit No. G-22761, Date of priority, May 6, 1952.

Ques. 4. State source of water supply and give exact location of point of diversion.

Ans. Subterranean well located in the Southeast Quarter of the Northeast Quarter of Section 10, Township 11 South, Range 21, East Boise Meridian.

Ques. 5. Describe your works of diversion, and state amount of water they are capable of conveying from point of diversion to place of use, and give name of canal or ditch or other works by which water is conducted to such place of use. If a well, state depth of well, depth and size of casing and depth to water. If pump is used, state discharge of pump and tell how it was measured or determined. If sprinkler irrigation, give number and size of nozzles and operating pressure.

Ans. The diversion works consists of open ditches, the amount of water they are capable of conveying to the point of use is approximately 6 cubic feet per second. The well is 670 feet deep; a 22 inch casing runs down 43 ft. from top of well. It is 456 feet to water from top of well. The amount of water pump discharges is 3 cubic feet per second and this was measured by the use of orifices. No sprinkling is done on the land.

Ques. 6. State for what purpose water is used and describe place of use. (If for irrigation, name each subdivision in which used, and number of acres in each subdivision that have actually been irrigated with said water.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. Water is used for irrigation and is used to irrigate the East Half of the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$, and the NW $\frac{1}{4}$, and part of the NW $\frac{1}{4}$, all in Section 10, Township 11 South, Range 21, E. B. M. All of the E $\frac{1}{2}$ of the NE $\frac{1}{4}$ has been irrigated; the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ and the part of the NW $\frac{1}{4}$. That some of the rest of the NW $\frac{1}{4}$ can also be irrigated and this is why it was included in this proof so that the water could be used on this additional land. That the actual acres of irrigation are in excess of 160 acres. That the land has been reclaimed from desert land; that the holder has made the following expenditures: \$3500.00 for the drilling of well; \$13,300.00 for a pump; \$1600.00 for leveling; ditches at the cost of \$400.00.

22761

Ques. 7. If for other than irrigation purposes; state how applied, amount of horse power generated, etc.

Ans.

Ques. 8. What is the minimum amount of water required for the purpose specified above?

Ans. 6. cubic feet per second.

Ques. 9. If you are not the person or representative of the corporation to whom above mentioned permit was originally issued, please state how ownership was acquired by present holder.

Ans.

Ques. 10. State when, how, in what amount and to what extent the water diverted under above mentioned permit has been used.
The water was first used during May of 1958 and was used during the entire cropping season of the year 1958.

Ans.

Ques. 11. State when, how, in what amount and to what extent waters other than those diverted under the above mentioned permit have been diverted and applied to beneficial use upon the lands herein described. Give full particulars regarding such other appropriations and rights claimed thereunder.
There is no other water available to irrigate this land other than the water produced from the well.

Ans.

(Sign)

Richard J. Garner

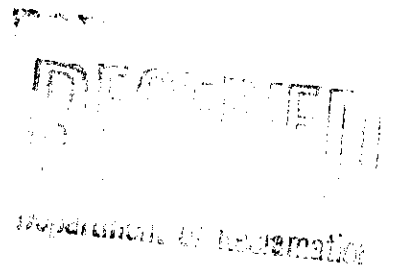
I hereby certify that the foregoing testimony was read to the above subscribed before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in Burley, County of Cassia, State of Idaho, on this 5th day of January, A. D. 1959.

Harmon H. Hickson
Notary Public for Idaho
Residing at Burley, Idaho.

My commission expires May 12, 1962.

22761

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO



Permit No. G-22761

Proof of Application of Water to Beneficial Use

Deposition of Witness and Completion of Works

The deposition of two witnesses, on this form, taken separately, required in each case.

Ques. 1. State your name, age, residence, occupation and postoffice address.

Ans. Clarence R. Campbell, 33, Route # 2, Burley, Idaho, farmer,
Route # 2, Burley, Idaho

Ques. 2. Are you acquainted with Leland J. Garner, the holder of Permit No. G-22761? How long have you known him and where does he reside?

Ans. I have known Mr. Garner for approximately 20 years and he lives at Route # 1, Burley, Idaho

Ques. 3. Have you read or heard read said Permit No. G-22761, and are you familiar with its provisions and conditions?

Ans. Yes.

Ques. 4. State source of water supply, place of diversion, and describe works for conveying water from point of diversion to place of use.

Ans. Subterranean well. Place of diversion is the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Sec. 10, Township 11 South, Range 21, East Boise Meridian. That the diversion works consists of open ditches which convey water from the well to the place of use.

Ques. 5. How many second feet of water do you estimate said works will safely conduct to place of use, and how much water have you seen being so conveyed?

Ans. The ditches are capable of conveying approximately 5 cubic feet per second.

Ques. 6. (Pumps) How much water in cubic feet per second, miner's inches, or gallons per minute have you seen the pump deliver, and how did you measure or estimate the amount?

Ans. I have seen the well produce 150 inches; I have compared this with other wells in the immediate vicinity.

22761

Ques. 7. State for what purpose water is used and at what place. (If for irrigation, give each subdivision in which water has been used and number of acres irrigated in each subdivision.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

The water is used for irrigation and is used to irrigate the East Half of
Ans. the Northeast Quarter; SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ and part of the NW $\frac{1}{4}$ of Sec. 10,
Township 11 South, Range 21, E. B. M. 160 acres are being irrigated. The
land has been reclaimed from Desert Land and has been put into cultivated
and irrigated soil.

Ques. 8. If for power or other purposes than irrigation, state how water has been applied and to what extent.

Ans. _____

Ques. 9. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

The actual amount of water that is required for profitable cultivation
Ans. of the entire ground would be 6 cubic feet per second.

Ques. 10. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent?

Ans. I have no interest whatsoever in the land or water.

Ques. 11. State when, how, in what amount and to what extent you have witnessed the application to beneficial use of water diverted under said permit.

Ans. I have been on the land numerous times during the time that the
water has been applied to beneficial use and have observed the water
applied to beneficial use on the land.

(Signed) _____

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in _____ Burley _____,
County of _____ Cassia _____, State of Idaho, on this 5th day of January _____,
A. D. 1959.

Notary Public.

for Idaho, residing at Burley, Idaho

My commission expires May 12, 1962.

22761

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Department of Reclamation

Permit No. G-22761

Proof of Application of Water to Beneficial Use

Deposition of Witness

and Completion of Work

The deposition of two witnesses, on this form, taken separately, required in each case.

Ques. 1. State your name, age, residence, occupation and postoffice address.

Ans. William B. Thomas, 30, Route # 2, Burley, Idaho, farmer, Route # 2, Burley, Idaho

Ques. 2. Are you acquainted with Leland J. Garner, the holder of Permit No. G-22761? How long have you known him and where does he reside?

Ans. Yes. I have known Mr. Garner for six years. He resides at Route # 1, Burley, Idaho.

Ques. 3. Have you read or heard read said Permit No. G-22761, and are you familiar with its provisions and conditions?

Ans. Yes.

Ques. 4. State source of water supply, place of diversion, and describe works for conveying water from point of diversion to place of use.

Ans. Subterranean well. Place of diversion is the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Sec. 10, Township 11 South, Range 21, East Boise Meridian. That the diversion works consist of open ditches which convey water from the well to the place of use.

Ques. 5. How many second feet of water do you estimate said works will safely conduct to place of use, and how much water have you seen being so conveyed?

Ans. The ditches are capable of conveying approximately 5 cubic feet per second.

Ques. 6. (Pumps) How much water in cubic feet per second, miner's inches, or gallons per minute have you seen the pump deliver, and how did you measure or estimate the amount?

Ans. I have seen the well produce 150 inches; I have compared this with other wells in the immediate vicinity.

22761

Ques. 7. State for what purpose water is used and at what place. (If for irrigation, give each subdivision in which water has been used and number of acres irrigated in each subdivision.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

The water is used for irrigation and is used to irrigate the East Half of
Ans. the Northeast Quarter; SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ and part of the NW $\frac{1}{4}$ of Sec. 10,
Township 11 South, Range 21, E. B. M., 160 acres are being irrigated. The
land has been reclaimed from desert land and has been put into cultivated
and irrigated soil

Ques. 8. If for power or other purposes than irrigation, state how water has been applied and to what extent.

Ans. _____

Ques. 9. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

Ans. The actual amount of water that is required for profitable cultivation of the entire ground would be 6 cubic feet per second.

Ques. 10. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent?

Ans. I have no interest at all in the land or water.

Ques. 11. State when, how, in what amount and to what extent you have witnessed the application to beneficial use of water diverted under said permit.

Ans. I have been on the land a number of times during the time that the water was applied to beneficial use and have observed the water applied to beneficial use on the land.

(Signed) William B. Thomas

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in Burley,
County of Cassia, State of Idaho, on this 5th day of January,
A. D. 1959.

Norman H. Wilson
Notary Public
for Idaho, residing at Burley, Idaho.

My commission expires May 12, 1962.

22761

Burley, Idaho

Dec. 11, 1958
Dear Mr. Carter,

The legal for Leland

J. Garner, Rt. #1,

Burley, Idaho, rec'd

today. Have marked

to run Burley Herald

Dec 11-18-25, 1958,

Jan 1, 1959. Thanks.

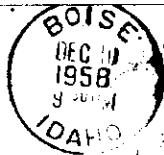
Very truly yours,

Burley Herald Bulletin

DEC 1 1958
Hazel G. Woodall

Department of Reclamation

22761



THIS SIDE OF CARD IS FOR ADDRESS

Mr. Geo N. Carter,
State Reclamation Engineer,
Dept. of Reclamation,
Boise, Idaho.

Received April 4-56

Barley, Idaho
April 1, 1956

Mark R. Kulp
State Rec. Eng.

Dear Sir,

I have been unable to complete the work under my permit No. G-22761. Therefore, I feel it necessary to ask for an extension of time.

I have not been aware of May 6, 1956 being the date of completion as my 'Special Land Use permit' Idaho 03267 does not expire until October until October 12, 1956, the date I had planned to have this work completed.

Please send necessary
22761

NOTICE OF PROOF OF
COMPLETION OF WORKS

and
APPLICATION OF WATER
TO BENEFICIAL USE

Notice is hereby given that 10:00 A.M. on the 5th day of January, 1959, at Burley, County of Cassia, State of Idaho, before Norman H. Nielson, Notary Public, at Box 367, Burley, Idaho, proof will be submitted of the completion of works for the diversion of 8.4 cubic feet per second of underground water from a well, and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. G-22781 heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name and postoffice address of the person or corporation holding said permit is Leland I. Garner, Route #1, Burley, Idaho.

2. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conveying to the place of use is 6 cubic feet per second.

3. The use to which said water has been applied is irrigation purposes, and the amount applied to beneficial use is 6 cubic feet per second.

4. The point of diversion of said water is SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Sec. 10, Twp. 11 South, Rge. 21 E. B. M.

5. The place where said water is used is NW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NE $\frac{1}{4}$, all in Sec. 10, Twp. 11 So., Rge. 21 E. B. M.

6. The date of priority which said user is prepared to establish is May 6, 1952.

Geo. N. Carter
State Reclamation Engineer
Published in the Burley Herald,
Dec. 11-18-25, 1958, Jan. 1, 1959.

Affidavit of Publication.

The Burley Herald-Bulletin

AFFIDAVIT OF PUBLICATION

JAN 5 1959

Department of Reclamation

STATE OF IDAHO }
COUNTY OF CASSIA } ss.

.....Carl Jones....., first being duly sworn, deposes and says: That he is the printer of The Burley Herald and/or The Burley Bulletin, a weekly newspaper published at Burley, in the County of Cassia, State of Idaho; that the said newspaper has a general circulation in said county, and that the said newspaper is published weekly and has been continuously and uninterruptedly published in said county, not less frequently than once a week, during a period of seventy-eight consecutive weeks immediately prior to the first publication of the printed notice herein referred to;

That said newspaper at all times herein mentioned, has been a newspaper of general circulation, made up of at least four pages of at least five columns each, printed from typed matter or stereotyped forms of at least seventeen and three-fourths inches depth, and during the whole of said time has had at least two hundred bona-fide subscribers living within said County of Cassia.

Affiant further states that the printed notice attached hereto was duly published according to law, in the regular weekly editions of the said newspaper and not in any supplement thereof, for four consecutive weeks, commencing with the issue dated Dec. 11, 1958, and ending with the issue dated Jan. 1, 1959.

Subscribed and sworn to before me this 1st day of January, 1959.

Hazel G. Howell
Notary Public in and for the State of Idaho,
Residing at Burley, Idaho.

My Commission Expires

22761

December 8, 1958

Re: Permit No. G-22761
Leland J. Garner

Mr. Norman H. Nielson
Attorney At Law
P. O. Box 367
Burley, Idaho

Dear Mr. Nielson:

This acknowledges the Notice of Proof of Completion of Works and Application of Water to Beneficial Use, under Permit No. G-22761, in the name of Leland J. Garner. Final proof is to be made before you, as Notary, on the 5th day of January, 1959, at 10:00 A. M., Burley, Idaho.

As of this date, we have mailed the Notice to the Burley Herald Bulletin, with instructions to publish it once a week for four consecutive weeks prior to the date set for final proof and then mail the Affidavit of Publication and statement of costs to you.

It is important that the enclosed depositions be executed by the permit holder and two disinterested witnesses who are familiar with the terms of the permit and the work done thereunder, at the time, on the date and before you, as Notary, as stated in the publication notice. It is very important and necessary that each question be answered in detail.

In returning the depositions to this office, be sure that all copies have been signed, that your Notary's seal has been placed on each, and that all depositions (Holder and two Witnesses) are being returned. Also be sure to enclose the Affidavit of Publication.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

(Mrs.) Edna P. Rutledge
Chief Clerk

EPR/lw
Encls. (3)
cc: Leland J. Garner
Rt. # 1,
Burley, Idaho

22761

S T A T E O F I D A H O

DEPARTMENT OF RECLAMATION
Boise, Idaho

Re: Permit No. G-22761
Leland J. Garner

Date: December 8, 1958

Burley Herald Bulletin
Burley, Idaho

Gentlemen:

Enclosed you will find notice for publication, once a week for four consecutive weeks prior to January 5, 1959 the date set for proof; the expense of the publication is to be paid by the applicant 's Attorney,

Norman H. Nielson, Attorney At Law of P. O. Box 367, Burley, Idaho to whom you should furnish proof of publication on or prior to the date set for proof.

Please acknowledge receipt of this notice and furnish this office with a copy or tear-sheet of the first publication.**

Very truly yours,

Geo. N. Carter
State Reclamation Engineer
By

(Mrs.) Edna P. Rutledge
Chief Clerk

** If the first copy is not received in this office for checking purposes and errors appear in subsequent issues, it is possible that re-publication of corrected copy will be at your own expense.

EPR/lw
Encls. (1)

22761

NOTICE OF PROOF OF COMPLETION OF WORKS
and
APPLICATION OF WATER TO BENEFICIAL USE

Notice is hereby given that 10:00A.M., on the 5th day of January,
19 59, at Burley, County of Cassia, State of Idaho,
before Norman H. Nielson, Notary Public, at (address) Box 367
Burley, Idaho, proof will be submitted of the completion
of works for the diversion of 6.4 cubic feet per second of underground
water from a well, and of the application to beneficial use of said water,
in accordance with the terms and conditions of Permit No. G-22761 heretofore
issued by the Department of Reclamation of the State of Idaho.

1. The name and postoffice address of the person or corporation holding
said permit is Leland J. Garner, Route # 1, Burley, Idaho

2. Said works of diversion will be fully completed on the date set for
such completion, and the amount of water which said works are capable of con-
veying to the place of use is 6 cubic feet per second.

3. The use to which said water has been applied is Irrigation
purposes, and the amount applied to beneficial use is
cubic feet per second.

4. The point of diversion of said water is SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Sec. 10,
Twp. 11 South, Rge. 21 E. B. M.

5. The place where said water is used is
NW $\frac{1}{4}$, SW $\frac{1}{4}$, NE $\frac{1}{4}$, E $\frac{1}{2}$ NE $\frac{1}{4}$, all in Sec. 10, Twp. 11 So., Rge. 21 E. B. M.

6. The date of priority which said user is prepared to establish is
May 6, 1952.

22761
Geo. N. Carter
State Reclamation Engineer

Typed over

Form 36

NOTICE OF PROOF OF COMPLETION OF WORKS
and
APPLICATION OF WATER TO BENEFICIAL USE

Notice is hereby given that 10:00A.M., on the 5th day of January,
19 59, at Burley, County of Cassia, State of Idaho,
before Norman H. Nielson, Notary Public, at (address) Box 367,
Burley, Idaho, proof will be submitted of the completion
of works for the diversion of 6.4 cubic feet per second of underground
water from a well, and of the application to beneficial use of said water,
in accordance with the terms and conditions of Permit No. G-22761 heretofore
issued by the Department of Reclamation of the State of Idaho.

1. The name and postoffice address of the person or corporation holding
said permit are Leland J. Garner, Route # 1, Burley, Idaho

2. Said works of diversion will be fully completed on the date set for
such completion, and the amount of water which said works are capable of con-
veying to the place of use is 6 cubic feet per second.

3. The use to which said water has been applied is _____
irrigation purposes, and the amount applied to beneficial use is
5.2 cubic feet per second.

4. The point of diversion of said water is SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Sec. 10,
Township 11 South, Range 21, E.B.M.

5. The place where said water is used is North Half of the NW $\frac{1}{4}$, 20 acres
NW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NE $\frac{1}{4}$; S $\frac{1}{2}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ NE $\frac{1}{4}$, all in Sec. 10, Twp. 11 South, Rge. 21 S. B. M.
in the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$; the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ and the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ and
the East Half of the NE $\frac{1}{4}$,
all in Section 10, Township 11 South, Range 21, E. B. M.

6. The date of priority which said user is prepared to establish is
May 6, 1952.

22761

Geo. N. Carter
State Reclamation Engineer

NIELSON & NIELSON
ATTORNEYS AND COUNSELORS AT LAW
P. O. BOX 367
BURLEY, IDAHO

A. H. NIELSON
N. H. NIELSON

December 3, 1958

RECEIVED
DEC 5 1958
Department of Reclamation

Department of Reclamation
State House
Boise, Idaho

Gentlemen:

Enclosed you will find the notice of proof
of completion of works and application of water to
beneficial use for Leland J. Garner.

Would you please process this application?

Very truly yours,

NIELSON & NIELSON

By *Norman H. Nielson*
Norman H. Nielson

NHN/ord

Encl.

22761

Department of Reclamation

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) December 1st, 1958.

(P. O.) _____

TO THE STATE RECLAMATION ENGINEER:

Boise, Idaho

Dear Sir:

You are hereby authorized to have the attached notice published at my expense in the
Burley Herald Bulletin of Burley, Idaho published in
the county in which the works are situated.

Leland J. Garner

(In case of canals or other works designed to divert and carry more than 50 cubic feet of water per second, the following certificate must be signed by a well known and competent engineer.)

I hereby certify that the facts set forth in the attached notice are true.

Engineer.

22761

NOTICE OF PROOF OF COMPLETION OF WORKS
and
APPLICATION OF WATER TO BENEFICIAL USE

DEC 5 1958
Department of Reclamation

Notice is hereby given that 10:00A.M., on the 5th day of January, 19 59, at Burley, County of Cassia, State of Idaho, before Norman H. Nielson, Notary Public, at (address) Box 367, Burley, Idaho, proof will be submitted of the completion of works for the diversion of 3.2 ^{6.4} cubic feet per second of underground water from a well, and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. G-22761 heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name and postoffice address of the person or corporation holding said permit are Leland J. Garner, Route # 1, Burley, Idaho

2. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conveying to the place of use is 6 cubic feet per second.

3. The use to which said water has been applied is irrigation purposes, and the amount applied to beneficial use is 3.2 ^{6.4} cubic feet per second.

4. The point of diversion of said water is SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Sec. 10, Township 11 South, Range 21, E.B.M.

NW $\frac{1}{4}$, SW $\frac{1}{4}$, NE $\frac{1}{4}$, E $\frac{1}{2}$ NE $\frac{1}{4}$ 5. The place where said water is used is North Half of the NW $\frac{1}{4}$, 20 acres
in the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$; the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ and the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ and
the East Half of the NE $\frac{1}{4}$, all in Section 10, Township 11 South, Range 21, E. B. M.

6. The date of priority which said user is prepared to establish is May 6, 1952.

22761
State Reclamation Engineer

March 31, 1958

Re: Permit No. C-22761

Mr. Leland J. Garner
Route # 1
Burley, Idaho

Dear Mr. Garner:

Enclosed is the Extension of Time for proofs of completion of works and beneficial use to October 12, 1960, as approved by the State Reclamation Engineer and recorded in the Department of Reclamation in Book 81 of Permits at Page 22761. This should now be attached to the original permit to which it refers and of which it becomes an extended limitation.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

MPR:nls
Enc.

22761

S T A T E O F I D A H O

DEPARTMENT OF RECLAMATION

WHEREAS, Permit No. G-22761, in the name of LELAND J. GARNER, required proofs of completion of works and beneficial use to be made on or before May 6, 1956; and,

WHEREAS, said permit was issued in connection with Desert Land Entry #02549; and

WHEREAS, applicant was given special permission to go on land for exploratory purposes October 12, 1955, and an extension of time for proof of completion of works and beneficial use on Permit No. G-22761 was allowed to May 6, 1958; and,

WHEREAS, Desert Entry was allowed July 1, 1957;

NOW, THEREFORE, an Extension of Time is allowed for Completion of Works and Beneficial Use Proofs on Permit No. G-22761 to October 12, 1960, or the length of time applicant was prevented from proceeding pending allowance of his Desert Land Entry and a similar extension is allowed for every other act required under the terms and conditions of Permit No. G-22761.

Signed at Boise, Idaho, this 31st day of March, 1958.

MARK R. KULP
State Reclamation Engineer

22761

RECEIVED
MAR 25 1958

Department of Reclamation

Leland J. Garner
Burley, Idaho
March 24, 1958

Mark R. Zulp
State Rec. Engineer

Permit No. G-22761

Dear Sir:

I received the papers for proofs of completion of works and application of water to beneficial use.

I have completed drilling the well and had it tested May 23, 1957. The well produced 1125 G. P. M.

My desert entry was not allowed until July 1, 1957 which was too late for me to put the water to beneficial use in the year of 1957. However, I have plans to use this water this year. I also feel there is more water than showed in the well test.

I would request additional time to prove up on the well.

Please advise as to what I should do?

P.S. Please note
change of address!

Thank you,
Leland J. Garner
Foyde #1
Burley, Idaho

22761

S T A T E O F I D A H O

DEPARTMENT OF RECLAMATION

RE: Permit No. G-22761

Date March 1, 1958

Leland J. Garner
Route #2
Rupert, Idaho

Dear Sir:

The date for proofs of completion of works and application of water to beneficial use, as set out under the terms of Permit No. G-22761 are due not later than May 6, 1958.

Before these proofs can be made, the statutory requirement is that a notice of your intention of proof be published once a week for four consecutive weeks in a newspaper with the county.

We enclose Form 36, in duplicate, which is to be filled out and returned to this department at least forty (40) days before the above mentioned date, (allowing for four weeks publication). Please give the name of the town, the address of the place where the depositions will be executed, and, the name of the notary public before whom you will appear to make the depositions of proof (this may be at any place convenient for you and your two witnesses), the quantity of water filed on, for what purpose it is used, the point or points of diversion and the location of use or the lands which are irrigated--all by legal land description.

Enclosed also is Form 11, which is the authorization for us to have the notice published in the designated county newspaper at your expense. This is to be returned with Forms 36.

At the time we send the notice to the newspaper we will send to you the forms for the depositions of holder and two disinterested witnesses. It is important that the depositions be executed at the time, on the date set, at the place named and before the notary public, as advertised in the publication notice.

Very truly yours,

MARK R. KULP
State Reclamation Engineer

Enclosures

22761

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
Land Office
P. O. Box 2237
Boise, Idaho

July 1, 1957
(Date)

LO:NFK

Idaho 02549

RECEIVED
JUL 3 1957

Department of Reclamation

NOTICE OF ALLOWANCE

Mr. Leland J. GarnerRoute #2Rupert, Idaho

Sir:

Your Desert Land Entry, Serial No. Idaho 02549,
(Kind of application or entry)
Receipt No. 2860, for N₁

Section 10

Township 11 S., Range 21 E., Boise Meridian,
containing 320 acres, has this day been allowed, subject to
your further compliance with laws and regulations applicable thereto.

In correspondence relating to this entry, always refer to the serial
number.

The above entry is allowed, subject to any valid existing rights, and to
a right-of-way, Idaho 06421, for the Pacific Northwest Pipeline Corporation,
on the NW_{1/4} and the NE_{1/4}.

Very respectfully,

Nolan F. Keil
Manager

cc: Lands & Minerals
DEM, I-2
State Recl. Engr., Boise
R.M.

22761

April 18, 1956

RE: Permit No. G-22761

Mr. Leland J. Garner
Route 2
Rupert, Idaho

Dear Mr. Garner:

We enclose Approval of the State Reclamation Engineer of
Extension of Time for Completion of Works under your Permit No.
G-22761, to May 6, 1958, which has been recorded in this department.

This Approval should be attached to the original permit
of which it now forms a part.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

R:hll
Enc.

22761

Permit No. G-22761

Application for Extension of Time

FOR COMPLETION OF WORKS
AND BENEFICIAL USE

RECEIVED
APR 18 1956

Department of Reclamation

LELAND J. GARNER, of Route 2, Burley, Idaho

State of Idaho being first duly sworn, upon his oath deposes and says:

He is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho

No. G-22761

Under the terms and conditions of said permit, construction work thereunder was required to be completed by May 6, 1956.

That he has heretofore performed the following work described under said permit:

costing \$

That he is unable to complete the remainder of the work within the required time, for the following reasons, to-wit:

This extension is requested on the grounds that the entry allowed by the United States Government on my Desert-land Entry on which the well was to be drilled was not allowed until the 12th day of October, 1955, and that I could not start work upon the land until after that time and thus it is necessary that the extension of time be granted.

State Reclamation Engineer

WHEREFORE, He asks that the Commissioner of Reclamation extend the time for the completion of works under said permit to May 6, 1958.

Subscribed and sworn to before me this 18th day of April, 1956

Notary Public.

My commission expires

Date of receipt at office of Department of Reclamation

STATE RECLAMATION ENGINEER
APPROVAL OF ~~Commissioner of Reclamation~~
Mark R. Kulp, State Reclamation Engineer

I, Mark R. Kulp, Commissioner of Reclamation of the State of Idaho, hereby extend the time for the completion of construction work under Permit to appropriate the Public Waters of the State of Idaho, No. G-22761 to

May 6, 1958

Witness my hand this 18th day of April

56 22761
Mark R. Kulp
State Reclamation Engineer

April 5, 1956

RE: Permit No. G-22761

Mr. Leland J. Garner
Route 2
Rupert, Idaho

Dear Mr. Garner:

We acknowledge receipt of your letter of April 1, 1956, in which you request an extension of time for completion of works and beneficial use on your Permit No. G-22761.

We are enclosing an Application for such Extension which we have partially filled out. If you will complete the remainder of the application and return same to this department, it can then be approved by the State Reclamation Engineer and recorded in this Department.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Roy W. Thompson
Office Manager

hll
Enc.

22761

S T A T E O F I D A H O

DEPARTMENT OF RECLAMATION

March 1, 1956

Mr. Leland J. Garner
Route 2
Rupert, Idaho

Dear Sir:

We enclose herewith blank notice for proof of completion of works and application of water to beneficial use under your Permit No. G-22761. This notice should be filled out in duplicate and returned to this office at least 40 days before the date upon which you wish to make this proof, in order to allow time for the four weeks' publication required by law.

This proof must be submitted before a Notary Public or other officer authorized by law to administer oaths.

The date for proof, as set out in your permit, is not later than May 6, 1956.

Very truly yours,

MARK R. KULP
State Reclamation Engineer

22761

May 15, 1952

RE: Permit No. G-22761

Mr. Leland J. Garner
Route 2
Rupert, Idaho

Dear Mr. Garner:

We enclose Permit No. G-22761 and direct your attention to the limitations and conditions as given on the fourth page under approval of the State Reclamation Engineer.

We also enclose two copies of this permit, one of which has been certified, to be used in connection with your desert entry, Idaho 02549 (amended).

We also enclose departmental receipt No. 24436 for \$8.50 which includes \$6.50 filing fee and \$2.00 for the additional copies.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:fg
Enc.

22761

May 6, 1952

Re: Application No. G-30504

Mr. Leland J. Garner
Route 2
Rupert, Idaho

Dear Mr. Garner:

We acknowledge receipt of your application for permit to appropriate 8.4 second feet of water from two wells, accompanied by your check for \$7.75.

The correct filing fee on this amount is \$8.50 and an extra \$2.00 for the two copies which we assume you wish for the Bureau of Land Management in connection with your desert claim. This would be a total of \$8.50, or a balance of 75 cents.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:fg

22761



LEN JORDAN
GOVERNOR

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
MARK R. KULP, STATE RECLAMATION ENGINEER

BOISE

May 6, 1952

RE: Application No. G-30504

Mr. Leland J. Garner
Route 2
Rupert, Idaho

Dear Mr. Garner:

We acknowledge receipt of your application for permit to appropriate 6.4 second feet of water from two wells, accompanied by your check for \$7.75.

The correct filing fee on this amount is \$6.50 and an extra \$2.00 for the two copies which we assume you wish for the Bureau of Land Management in connection with your desert claim. This would be a total of \$8.50, or a balance of 75 cents.

Very truly yours,

MARK R. KULP
State Reclamation Engineer

By *Jeanne L. Anderson*
Chief Clerk

A:fg

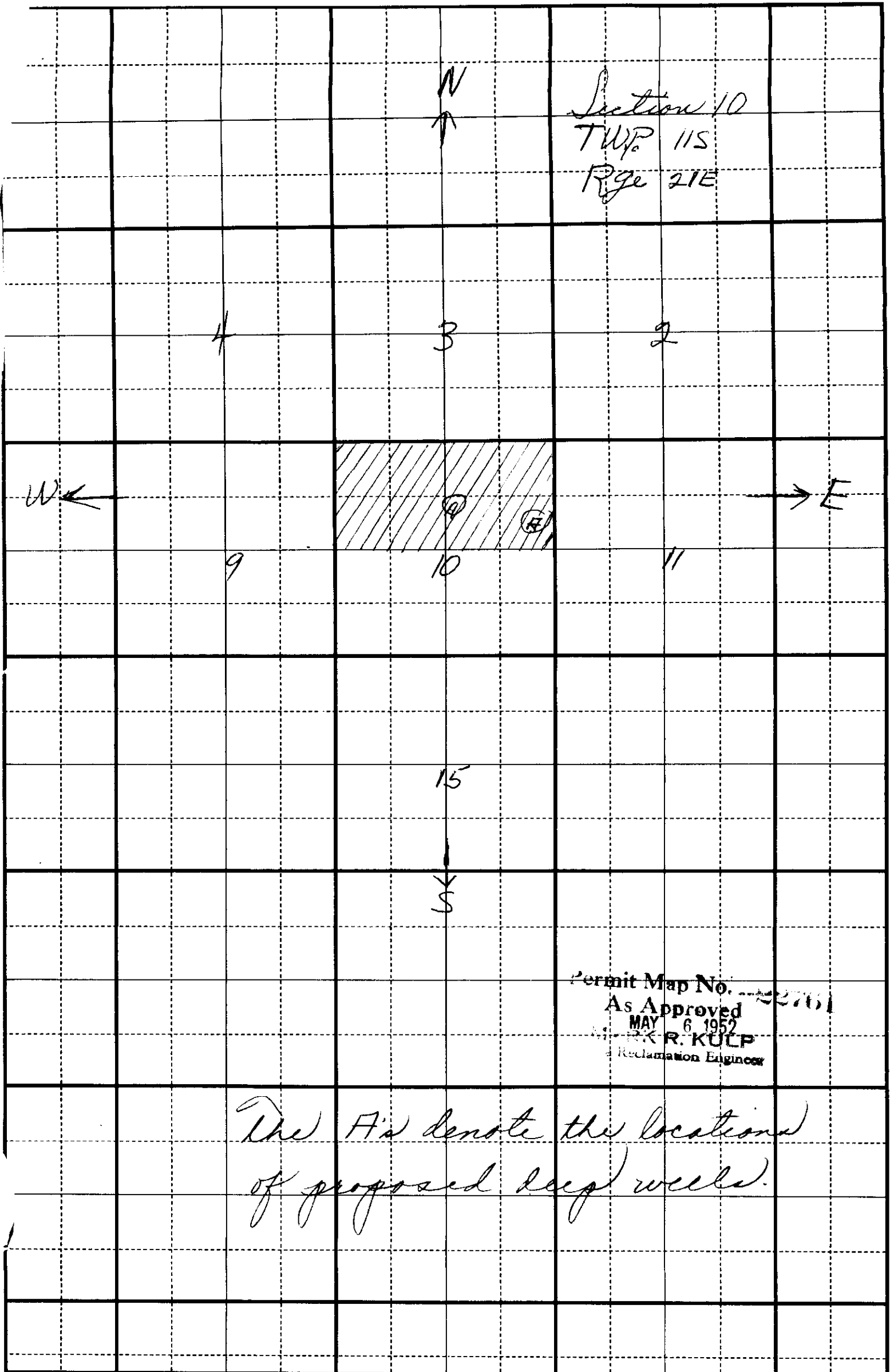
*Inclosed is a check for the remaining \$7.75.
Thank you.*

RECEIVED
MAY 9 1952

Department of Reclamation

Leland J. Garner

22761



Permit Map No. 22761
As Approved
MAY 6 1952
R. KULP
Reclamation Engineer

The A's denote the locations
of proposed deep wells.